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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-646

A/S ARCADIA,

Petitioner,

—against—

GULF INSURANCE COMPANY,

Respondent.

PETITION FOR REHEARING

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HAIGHT, GARDNER, POOR & HAVENS
Of Counsel

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Petitioner respectfully moves for rehearing of the order of this Court entered on January 12, 1976 denying its petition for a writ of certiorari.

In its Brief in Reply, petitioner herein noted (p. 4) the then recent decisions of the United States Court of Appeals for the Ninth Circuit in *Shellman* v. *United States Lines*, —— F.2d —— (75-3071 and 75-3058) and *Dodge* v. *Mitsui Line*, —— F.2d —— (75-1442). These cases are also concerned with the question of whether the partially negligent stevedore may escape all financial responsibility under the new LHWCA.* The principal difference between these decisions and this one is that they possess a degree of finality which the within litigation does not.

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* Longshoremen and Harbor Worker's Compensation Act, 33 USC 901 et seq. Changes made by Public Law 92-576, approved October 27, 1972.

It is petitioner's understanding that a petition has already been filed in *Dodge* v. *Mitsui* on January 26, 1976 (75-1058) and a petition in *Shellman* v. *United States Lines* is imminent.

Since this Court may well be moved to grant to the petitions in the aforementioned cases and since the principles involved are identical, petitioner respectfully requests the Court to withhold disposition on this rehearing petition until such time as it considers the petitions in *United States Lines* v. *Shellman* and *Mitsui Lines* v. *Dodge*.

Should writs be granted in those cases, petitioner respectfully asks the Court to reconsider the denial of the petition herein and join the within case with the others for disposition.

Dated: New York, New York
February 4, 1976

Respectfully submitted,

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J. WARD O'NEILL
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Certificate

I hereby certify that the foregoing petition for rehearing is submitted in good faith, is not for any purpose of delay and is restricted to the grounds above set forth.

Dated: New York, New York
February 4, 1976

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FRANCIS X. BYRN